

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Terra M.,¹

No. 23-cv-3849 (NEB/DLM)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Leland Dudek,²

Acting Commissioner of Social Security,

Defendant.

The Court has received the Report and Recommendation of United States Magistrate Judge Douglas L. Micko. (ECF No. 14.) No party objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter,

IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 14) is **ACCEPTED**;
2. Plaintiff's brief seeking judgment on the administrative record (ECF No. 10) is **GRANTED**;

¹ This District has adopted a policy of using only the first name and last initial of any nongovernmental parties in orders in Social Security matters.

² Michelle King resigned as Commissioner of Social Security on February 17, 2025. Alan Rappeport, Andrew Duehren, and Nicholas Nehamas, *Top Social Security Official Leaves After Musk Team Seeks Data Access*, N.Y. Times, Feb. 17, 2025 [<https://perma.cc/H8ZX-DM6A>]. As of February 24, 2025, the Acting Commissioner is Leland Dudek. [<https://perma.cc/SF7E-LBC8>]. Under Rule 25, as the successor to former Defendant Michelle King, Dudek is "automatically substituted as a party." Fed. R. Civ. P. 25(d).

3. Defendant's brief seeking judgment on the administrative record (ECF No. 12) is **DENIED**;
4. This matter is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) for proceedings consistent with this Report and Recommendation; and
5. Plaintiff's motion for entry of judgment (ECF No. 16) is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 24, 2025

s/Nancy E. Brasel
NANCY E. BRASEL
United States District Judge